IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.307 of 2007
MAHENDRA SINGH
Versus
STATE OF BIHAR & ORS
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6 13.8.2008 Heard learned counsel for the petitioner and learned Additional public prosecutor for the State of Bihar.

In the instant writ petition, the petitioner has prayed for a direction to the respondent authorities to calculate the ordinary remission as well as special remission he earned and entered in the convict history ticket in accordance with the notification dated 24.23.1984 vide letter no. 1647 (J), annexure 1. he submits that earlier he was an accused in Barh ps case no. 20(5) of 1979 registered for offences under sections 148, 149, 302, 30-7, 435 of the penal code and 27 of the arms Act in which he was released on the basis of a fake order of the Supreme court. It caused lodging of another case being Fulwari ps case no. 156 of 1995. Petitioner was convicted and sentenced for two years in this forgery case. He submits that he has already spent the aforesaid period in custody.

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It is submitted by the State that petitioner had earlier moved this court for release from jail custody in Phulwari ps case no. 156 of 1995 which application was dismissed as withdrawn. He summits that the petitioner ought to have mentioned the aforesaid fact in this writ petition.

Having heard the parties, the writ is dismissed with liberty to the petitioner to file representation before I.G. Prison, Bihar,

Home Secretary, Government of Bihar and Secretary (Home Special), Government of Bihar, Patna respondent nos. 2,3 and 4 respectively for considering the period of remissions in the two cases stated above. On receipt of representation, the appropriate authority would dispose of the same within two months from the date of its receipt.

Shashi. **(S.P.Singh,J).**

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